

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PEARL GLASSBERG

Plaintiff,

-against-

MEMORANDUM AND ORDER

STAPLES THE OFFICE SUPERSTORE EAST,
INC., d/b/a/ STAPLES

08-CV-2132 (KAM)(JMA)

Defendant.

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MATSUMOTO, United States District Judge:

Plaintiff Pearl Glassberg ("plaintiff") brought this negligence action against defendant Staples ("defendant"), alleging she suffered personal injuries as a result of tripping over a negligently placed flatbed handcart in the checkout isle of defendant's store. Presently before the court is a Report and Recommendation issued by Magistrate Judge Azrack on September 13, 2010, recommending that the court grant defendant's motion for summary judgment and dismiss the complaint with prejudice. (Doc. No. 46, Report and Recommendation at 1, 12.)

Notice of the Report and Recommendation was sent electronically to the parties appearing on the docket via the court's electronic filing system on September 13, 2010. As explicitly noted at the end of the Report and Recommendation, any objections to the Report and Recommendation were to be filed by September 28, 2010. (Report and Recommendation at 12.) The statutory period for filing objections has expired, and no objections to Magistrate Judge Azrack's Report and Recommendation

have been filed.

In reviewing a Report and Recommendation, the district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Where no objection to the Report and Recommendation has been filed, the district court "need only satisfy itself that that there is no clear error on the face of the record." *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

Upon a review of the Report and Recommendation, and considering that the parties have failed to object to any of Magistrate Judge Azrack's thorough and well-reasoned recommendations, the court finds no clear error in Magistrate Judge Azrack's Report and Recommendation and hereby affirms and adopts the Report and Recommendation as the opinion of the court.

Accordingly, the Clerk of the Court is respectfully directed to enter a judgment in favor of defendant, to dismiss the claims against defendant with prejudice, and to close the case.

SO ORDERED.

Dated: September 29, 2010
Brooklyn, New York

_____/s/
Kiyo A. Matsumoto
United States District Judge